

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 AARON WILLIAMS, on behalf of  
9 himself and all others similarly situated,

10 Plaintiff,

11 v.

12 PILLPACK LLC,

Defendant.

C19-5282 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Defendant PillPack LLC's Motion for Reconsideration ("Motion"), docket  
16 no. 143, is DENIED. Defendant asks the Court to reconsider its Order granting in part  
17 Plaintiff's Motion for Class Certification, docket no. 140. The Motion relies exclusively  
18 on the Declaration of Daniel J. Barsky, docket no. 69, to show that "at least some of the  
19 website opt-in forms listed PillPack as a marketing partner." Motion (docket no. 143 at  
20 2). That declaration, like the other submitted declarations, nonetheless fails to show that  
21 PillPack was listed as a marketing partner "during the relevant period"—i.e., "*before* the  
22 Class members were called." Order (docket no. 140 at 13–14). As the Court previously  
23 concluded, Barsky's declaration provides no indication of the dates on which PillPack  
was listed on the website opt-in forms. Order (docket no. 140 at 14). While the  
declaration provides a screenshot of a sample opt-in form "during the Relevant Period,"  
Barsky Decl. at ¶ 7 (docket no. 69), it fails to state whether the sample webpage listing  
PillPack as marketing partner was also captured during the relevant period. *Id.* at ¶ 8.

Nor is the Court persuaded by Defendant's suggestion that Plaintiff emphasized,  
or somehow conceded, the evidence on this point. *See* Motion (docket no. 143 at 2–3).  
Plaintiff acknowledged this evidence only to underscore his argument that the sample

1 webpage provided in the Barsky declaration “was not used to generate leads for” the  
2 telemarketing campaign involving Class members; moreover, Plaintiff moved to strike  
3 that declaration, in part because it failed to include supporting data. *See* Plaintiff’s Reply  
(docket no. 90-1 at 7, 10). In the absence of any showing of error or new facts, the Court  
denies the Motion. *See* Local Civil Rule 7(h).

4 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

5 Dated this 2<sup>nd</sup> Day of March, 2021.

6  
7 William M. McCool  
Clerk

8 s/Gail Glass  
9 Deputy Clerk